

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73121 of 2018

Arising Out of PS. Case No.-63 Year-2013 Thana- SAHPUR District- Bhojpur

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Dhananjay Mishra, Son of Sheevajeet Mishra, Resident of Village-
Sonbarsha, Police Station- Shahpur, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ashok Kumar Singh, Advocate.
For the Opposite Party : Mr. Satyavarat Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 17-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
28.12.2016 in a case for the offence registered under Sections
302, 307, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner
alongwith other accused persons intercepted the deceased and
made indiscriminate firing from LMG gun causing his death
instantly. The motive assigned is that they were putting pressure
not to give evidence in another case of murder.

Earlier bail application of the petitioner was rejected
by the then Co-ordinate Bench of this Court vide Cr. Misc. No.
10023 of 2018 under order dated 16.03.2018 vide Annexure-1 to
the present application.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It has further been submitted that four witnesses have been examined on behalf of the prosecution including the informant. All four witnesses have been declared hostile including the informant of this case, who has been examined as P.W. 3, during the trial. The informant has retracted from his earlier statement made in the F.I.R. during the trial. The deposition of the informant is Annexure-B to the supplementary affidavit filed on behalf of the petitioner alongwith deposition of other prosecution witnesses. There is no likelihood of trial being concluded in near future.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Bhojpur at Arrah, in connection with Sessions Trial No. 29 of 2017, arising out of Shahpur P.S. Case



No. 63 of 2013.

(Sudhir Singh, J)

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